

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JACK P. KATZ, on behalf of himself and all others similarly situated,	)	
	)	
	)	
Plaintiff,	)	
	)	Case No. 08-CV-4035
v.	)	Judge Darrah
	)	
ERNEST A. GERARDI, JR., et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO ANSWER  
OR OTHERWISE PLEAD TO THE COMPLAINT**

DEFENDANTS, by and through their attorneys, Sonnenschein Nath and Rosenthal LLP, request that this Court grant Defendants an extension of time to Answer or Otherwise Plead to the Complaint. In support, Defendants state:

1. On July 16, 2008, Defendants Archstone (formerly Archstone-Smith Operating Trust) (the "Archstone UPREIT"), Tishman Speyer Archstone-Smith Multifamily Series I Trust (successor by merger to Archstone-Smith Trust) (the "Archstone REIT"), Lehman Brothers Holdings Inc. ("Lehman"), and Tishman Speyer Development Corporation ("TSD") filed their Notice of Removal of the state court action described in paragraph 2 below.

2. On May 9, 2008, Plaintiff Jack Katz filed this putative class action in the Circuit Court of Cook County, Illinois, County Department, Chancery Division. *Jack P. Katz v. Ernest A. Gerardi, Jr., Ruth Ann M. Gillis, Ned S. Holmes, Robert P. Kogod, James H. Polk III, John C. Schweitzer, R. Scot Sellers, Robert H. Smith, Stephen R. Demeritt, Charles Mueller, Jr., Caroline Brower, Mark Schumacher, Alfred G. Neely, Archstone-Smith Operating Trust, Archstone-Smith Trust, Lehman Brothers Holdings, Inc., and Tishman Speyer Development Corporation*, Circuit Court of Cook County, Illinois No. 08 CH 17172 (the "Katz Action").

3. Defendants anticipate filing with this Court a Motion to Transfer Venue to the United States District Court for the District of Colorado, pursuant to 28 U.S.C. § 1404(a).

4. Pursuant to Fed. R. Civ. P. 81(c) and Fed. R. Civ. P. 6(a)(2), Defendants' responsive pleading in the *Katz* Action is due July 23, 2008.

5. All Defendants request an extension of time to Answer or Otherwise plead by 45 days, to September 8, 2008. The requested extension of time is necessary for Defendants to respond adequately and to address anticipated motions from the parties.

6. Plaintiffs' counsel, Lee Squitieri, does not oppose the proposed extension of time.

7. This is Defendants' first request for an extension, and this Motion is brought in good faith and not for delay.

WHEREFORE, Defendants respectfully request that this Court grant Defendants' Unopposed Motion for Extension of Time to Answer or Otherwise Plead.

Dated: July 18, 2008

Respectfully submitted,

By: /s/Jeffery S. Davis  
One of the attorneys for Defendants

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 18, 2008, I electronically filed the preceding, and notice of same, with the Clerk of the Court using the CM/ECF system which will send notification of such filings to the following and, in addition, served the following by U.S.

Mail and email on July 18, 2008:

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/s/Jeffery S. Davis\_\_\_\_\_